

REMARKS/ARGUMENTS

In response to the Office Action mailed March 4, 2005, Applicant amends his application and requests continued examination. In this Amendment claims 5 and 9 are cancelled leaving claims 1-4, 6-8, 10, and 11 pending.

In the previous Office Action, the Examiner indicated that claims 9 and 11 would be allowed if rewritten in independent form. That step is taken here by rewriting examined claim 9 as amended claim 8 and rewriting claim 11 in independent form while maintaining its original number. As a result of these amendments, claims 8, 10, and 11 should be immediately allowed. Claim 10 is allowable as depending from an allowable claim.

In this Amendment the trigger assembly is described further. Claim 1 is amended to state that the knob, formerly recited in claim 7, is located on and is supported on a trigger surface. The trigger surface is the surface of the trigger engaged by a finger in order to actuate the trigger. Clearly, the trigger has other surfaces, but the trigger surface is distinctly defined in amended claim 1. This amendment is clearly supported by the application as filed which shows a release “knob” 340 located on the trigger surface. That sliding knob 340 is described in the patent application from page 7, line 22 through page 9, line 5. This arrangement, providing for release of the locking mechanism, is not described anywhere in the prior art. In view of the clarification of claim 1, claim 5 has been cancelled as redundant and claims 6 and 7 have been amended to conform to amended claim 1.

Previously examined claims 1-3, 8, and 10 were rejected as anticipated by Beckering et al. (U.S. Patent 3,780,246, hereinafter Beckering). Claims 4-7 were rejected as unpatentable over Beckering in view of Yeske (U.S. Patent 3,777,092). Both rejections are inapplicable to any claim now pending.

While a lengthy discussion of the previous rejections could be presented, it is sufficient to point out that no previously cited publication describes a trigger assembly for an electrical power tool that includes a trigger with a knob supported on a trigger surface of the trigger for releasing a locking member that locks the switch in an open position. To the extent there is any assertion to the contrary in the Office Action mailed March 4, 2005, the assertion is incorrect.

At page 4 of that Office Action, the Examiner asserted that among the features described by Beckering was “a knob [76] slidably supported on the trigger...”. It is apparent

by studying the figures of Beckering, that the button 44 of Beckering, compared to the knob of the claims, is not supported on the trigger surface 48 of Beckering's trigger 26. To be sure, that "button 44" contacts and bears on a surface of Beckering's trigger 48, but that surface is a rear surface, remote from the trigger surface. Therefore, Beckering cannot even suggest any claim now pending.

Further, the characterization of Beckering's element 76 as a knob is strange, at best. Beckering refers to this element as a "thumb engaged portion 76 located in a recess 40". This element 76 includes a slot 78, much like the head of a conventional slotted screw and the concept that the "portion 76" could be rotated by a thumb is betrayed by the presence of the slot 78. See, for example, Beckering at column 5, lines 4-8.

"To facilitate the described turning action of the button 44, the head 76 of the button is provided with a screwdriver type slot 78 adapted to receive the edge of a coin, a screwdriver, or other tool or device."

There simply is no knob in Beckering as in the trigger assembly defined by the claims now pending.

Further, it is apparent by considering the disclosure of Beckering, and particularly its instructive Figure 5, that the releasing mechanism described by Beckering requires rotation of the button 44, including the head 76, to release the trigger. It is possible, considering Figures 3 and 4 of Beckering, that the button 44 wobbles, due to eccentricity, when rotated. However, the assertion that the button 44 including the head 76 is slidably supported on any part of the trigger strains credulity.

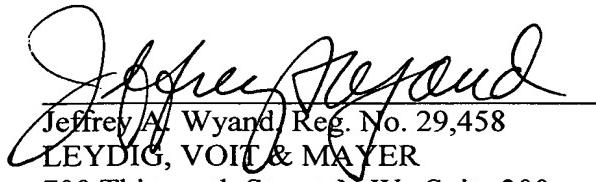
Because of the foregoing differences between Beckering and the pending claims, considered separately and in the aggregate, all claims now pending are patentable over Beckering.

Yeske was relied on as allegedly disclosing a spring within the lower end of a trigger for a power tool. Thus, reliance on Yeske seems pertinent only to examined claim 4. However, even assuming the presence of such disclosure in Yeske, that disclosure cannot modify Beckering in a way that includes all of the elements of claim 1 and its dependent claims. In other words, *prima facie* obviousness has not been established as to any claim now pending by the proposed modification of Beckering with Yeske. Finally, Beckering would not be operative if its spring 90 were placed inside the trigger, as is apparent by inspecting Beckering's figures and the explanation of the interaction of the trigger 26, button 44, and

spring 90. In other words, there is no basis suggestion in either reference for modifying Beckering with Yeske. The rejection is simply erroneous.

Reconsideration and allowance of all claims now pending are earnestly solicited.

Respectfully submitted,


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